



United States Department of the Interior

National Capital Parks-East
NATIONAL PARK SERVICE
Interior Region 1- National Capital Area
1900 Anacostia Drive, S.E.
Washington, D.C. 20020

MEMORANDUM

TO: Administrative Record

FROM: Donna Davies, NPS CERCLA
Federal Government Lead,
Kenilworth Park Landfill Site

DATE: December 29, 2020

CC: Tara Morrison, NPS, National Capital Parks – East (NACE), Superintendent
Michael Commisso, NPS, NACE, Chief Resource Management
Sean McGinty, NPS, NACE, Public Information Officer

RE: Interim Response to Public Comments Received on the
Proposed Plan for Cleanup of the
Kenilworth Park Landfill Site

The National Park Service (NPS) released a Proposed Plan for Cleanup of the Kenilworth Park Landfill Site (Site) on November 12, 2020. NPS is the lead agency for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) response activities completed at the Site. The release of the Proposed Plan initiated a public comment period that will extend to February 10, 2021.

On November 18, 2020, NPS held a virtual public meeting to present the Proposed Plan, to obtain initial feedback from the public, and to answer questions. On December 10, 2020, NPS presented the Proposed Plan to the Leadership Council for a Cleaner Anacostia River. NPS has also been receiving questions and comments from the public via email.

NPS will review comments received on the Proposed Plan and supporting documents (e.g., Remedial Investigation and Feasibility Study Reports) as part of the cleanup selection process. The table below provides interim responses to questions and comments received to date during the public meetings or through email.

NPS identified three general recurring themes in questions and comments received to date. These themes revolve around 1) the purpose of the CERCLA response action, 2) restoration of natural resources, and 3) future use of the Site. Provided below are NPS's responses to these three general themes. Following these responses is the table that summarizes each comment/question received to date.

Theme 1 - Purpose of a CERCLA Response Action

Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) vests the President with legal authority to respond to releases of hazardous substances when necessary to protect public health or welfare or the environment. The President has delegated that response authority to the Secretary of the Interior for releases of hazardous substances on land under the jurisdiction, custody, or control of the Department of the Interior, and the Secretary has re-delegated that authority to the National Park Service (NPS) for releases on land under its management, including the Kenilworth Park Landfill Site.

NPS cannot take response action at a contaminated site under section 104(a) of CERCLA unless there is an unacceptable risk to human health or the environment. Once an unacceptable risk has been established (usually through risk assessments conducted as part of the remedial investigation), NPS develops alternatives to address those unacceptable risks. NPS is required to evaluate remedial alternatives in accordance with the nine criteria described in section 300.430(e)(9)(iii) of the National Oil and Hazardous Substances Pollution Contingency Plan (commonly referred to as the NCP). To be selected as the final remedy, an alternative must also be cost-effective, which means that its costs are proportional to its overall effectiveness (see section 300.430(f)(1)(ii)(D) of the NCP).

Theme 2 - Restoration of Natural Resources

NPS is not authorized to restore natural resources under section 104 of CERCLA. Sometimes a response action designed to address unacceptable risks will have incidental benefits that might be viewed as the restoration or enhancement of natural resources, but the response action cannot be designed or selected for that reason; instead, NPS would need to select the alternative in accordance with the nine criteria prescribed by the NCP. Also, as noted above, any such alternative would need to satisfy the additional requirement of cost-effectiveness. Because NPS does not have the authority to restore natural resources under section 104, it is prohibited from pursuing that objective in the guise of a response action.¹

¹ See, e.g., U.S. Environmental Protection Agency (EPA), Reusing Cleaned Up Superfund Sites: Ecological Use Where Waste Is Left on Site, OSWER 9202.1-27-D (July 2006) at p. 6 ("EPA cannot fund, nor require PRPs or others, to fund certain "betterments" or "enhancements" of a remedy. Generally, a prohibited enhancement is an action that is not necessary to support the effectiveness of a remedy in protecting human health or the environment."), p. 7 (noting that while revegetation can be part of a remedy, "some extensive efforts to create or restore the structure and function of an ecosystem to exacting specifications may be considered enhancements, unless the need for the restoration is a result of environmental stressors or damages caused by the remediation"), p. 39 (explaining that "efforts to create new wetlands, where none existed prior to the disturbance, or to undertake extensive efforts to restore a wetland, where other practical alternatives exist, may be considered 'enhancements'"). As noted above, a response action is not necessarily prohibited just because it will result in the incidental improvement of natural resources, but the response action cannot be selected for that reason. NPS investigates and remediates contaminated sites with funding from the Department of the Interior's Central Hazardous Materials Fund (the CHF). CHF funds may not be used for natural resource damage assessment or restoration activities. See Office of Environmental Policy and Compliance, *Central Hazardous Materials Fund (CHF) Financial Management Guidance*,

CERCLA does allow state and federal natural resource trustees to recover “damages for injuries to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release [of hazardous substances].” (see section 107(a)(4)(C) of CERCLA). Damages recovered by the trustees from potentially responsible parties can be used to restore natural resources. In most cases, the natural resource damage assessment (NRDA) occurs after the response action because any claim for natural resource damages would be limited to the residual damages that remain after implementation of the remedy. NPS and its fellow natural resource trustees are in the early stages of the NRDA process for the Anacostia River, and the area to be assessed may include sites along the river, including the Kenilworth Park Landfill Site.

Theme 3 - Future Use of the Site

The reasonably anticipated future use of a site must be considered at multiple points in the CERCLA process (e.g., risk assessment, the development of alternatives, remedy selection, etc.).² But that future use is not determined as part of the CERCLA process; instead, the lead agency must make assumptions about how the site is likely to be used in the future. In some cases, the future use of a contaminated site is dictated by law. In most cases, however, the reasonably anticipated future use is nothing more than a prediction based on the available information.

In this case, the future use of Kenilworth Park South (KPS) is controlled by the General Management Plan for Anacostia Park. NPS is required to manage KPS in accordance with the GMP, and the GMP requires that KPS be devoted to natural resources recreation—in other words, it must be maintained in its natural state for passive recreational uses. For that reason, the assessment of risks and the development of remedial alternatives for KPS have been based on that future use.

The future use of Kenilworth Park North (KPN) is less certain. Congress has directed NPS to transfer administrative jurisdiction over KPN to the District of Columbia. The transfer legislation, which has been identified as an applicable or relevant and appropriate requirement (ARAR) for the site imposes some broad constraints on the future use of KPN. Specifically, the property must be “used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities.” Within those broad constraints, however, the future use of KPN will be determined by the District of Columbia, not NPS. The District has informed NPS that it plans to use KPN to provide active recreational opportunities (e.g., sports fields), so NPS was required to assume that future use in assessing risks and developing remedial alternatives for KPN. In its discussions with NPS, the District has never suggested that it intended to convert KPN into wetlands in the future. Accordingly, NPS cannot indirectly – and unilaterally – impose that future use on the District through the CERCLA process. If members of the

Environmental Compliance Memorandum 10-4 (Sept. 18, 2018) at p. 2 (prohibiting the use of CHF funds for “Natural Resource Damage Assessment and Restoration activities”).

² See, e.g., U.S. EPA, *Land Use in the CERCLA Remedy Selection Process*, OSWER 9355.7-04 (May 25, 1995) at p. 6 (“The baseline risk assessment generally needs only to consider the reasonably anticipated future land use; however, it may be valuable to evaluate risks associated with other land uses.”), p. 7 (“In cases where the future land use is relatively certain, the remedial action objective generally should reflect this land use.”); Memorandum from James E. Woolford, Director, Office of Superfund Remediation and Technology Innovation, U.S. EPA, to Superfund National Program Managers, Regions 1 – 10, OSWER 9355.7-19 (Mar. 17, 2010) at p. 3 (“Whenever possible, the Agency also seeks to avoid response actions that might hinder or prevent site reuse consistent with the Agency’s assumptions regarding reasonably anticipated future land use.”).

public are concerned that the preferred alternative for the Site will result in a missed opportunity to create wetlands at KPN, those concerns must be raised with the District of Columbia.

Nonetheless, it is important to emphasize that NPS's preferred alternative (Alternative 3) would not preclude the future creation of wetlands at KPN. NPS assumed that most of KPN (with the exception of fringe areas that will be preserved in their natural state) would be capped. This assumption was made to maximize the District's flexibility in its future use of the site and to ensure a conservative estimate of costs for purposes of comparison with the other alternatives. However, nothing in the preferred alternative requires that entire area to be capped, and adjustments to the capped area can be made during remedial design to accommodate wetlands in the future.

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1.	The gates at the south end of KPS were briefly padlocked shut last week. Are there future plans to close these gates? If so, when and for how long? Why is closure necessary as the proposed plan does not include any development of the KPS area?	The gates were closed because unauthorized vehicles were entering the park from the Anacostia Riverwalk Trail presenting safety concerns unrelated to contamination. Kenilworth Park South (KPS) has been administratively closed for several years. NACE is currently reviewing the closure status and access considerations.
2.	Please explain how none of the alternatives meet the criterion to reduce toxicity, mobility, etc.	This criterion reflects the statutory preference for the reduction of toxicity, mobility, or volume <i>through treatment</i> . Remedial actions implemented to address site risks generally fall into one of two categories: (1) treatment; or (2) engineering control options, such as containment with use of institutional controls to supplement engineering controls as appropriate. Because of the volume and heterogeneity of waste in landfills, treatment of the buried waste is impractical. Treatment of the surface soils is similarly impractical due to the lack of a concentrated source zone and volume of impacted soil. NPS focused on engineering control options (i.e. capping and removal) at this site because treatment is not practical. Because none of the remedial alternatives involves treatment technologies, this criterion has no effect on the evaluation of alternatives.
3.	Alternative five's cost includes the return of both North and South to the original state, what would be the cost to do so only for North?	In response to this question, NPS developed a preliminary estimate of cost for a hybrid alternative where Kenilworth Park South would be addressed as described under Alternative 3 and Kenilworth Park North would be addressed as described under Alternative 5. The hybrid considered full removal of the Kenilworth Park North landfill and revegetation as wetlands. This cost would be approximately \$320 million.
4.	If the option with the soil covering over both KPN and KPS is chosen, will that mean the fields and track and KPN will be unusable? What is the timeline for that type of remediation?	The fenced-in track and athletic field were constructed on imported soil fill that was placed after the landfill cover and after much of the early investigation activities were completed. It is unlikely that the soil in this area (shaded tan and with a different cross hatch pattern on the figures) would need to be covered with additional soil. The disruption to visitors during placement of the soil fill under the preferred alternative is uncertain as the final plans for redevelopment

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		have not been established by the District. NPS expects the District will develop specific plans to ensure the remediation has as little impact to visitor use as possible.
5.	There are many reasons why wetlands should be restored at this property. There are also many reasons why the local community should have improved recreational amenities. The alternatives present an unfortunate all-or-nothing choice with regard to wetlands. Can a sixth alternative be developed that provides both wetlands and space for amenities?	<p>Please see NPS's responses to Themes 1 and 2 above.</p> <p>As the federal land manager and lead agency, NPS is authorized to assess and implement a remedial action under CERCLA at the Kenilworth Park Landfill Site to address unacceptable risk posed to human health by hazardous substances present in the site's surface soil and subsurface soil and waste. NPS developed and evaluated remedial alternatives to address this unacceptable risk.</p> <p>The lead agency must consider the reasonably anticipated future use of the site as part of the development of possible alternatives to address this risk. The future use of Kenilworth Park South is controlled by the General Management Plan for Anacostia Park. The GMP requires that Kenilworth Park South be managed for natural resources recreation -- in other words, that it be maintained in a natural state for passive recreational uses.</p> <p>Congress has directed NPS to transfer administrative jurisdiction over Kenilworth Park North to the District. Once that transfer occurs, Kenilworth Park North will not be part of Anacostia Park and will not be subject to the GMP. The transfer legislation provides that Kenilworth Park North must be "used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities." Within those broad constraints, the future use of Kenilworth Park North will be determined by the District government. The District has informed NPS that it intends to use Kenilworth Park North to provide active recreational opportunities (e.g., sports fields), so that future use is what NPS assumed in the development and evaluation of remedial alternatives for the site.</p>

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		NPS understands the value in restoring wetlands along the Anacostia River and Watts Branch; however, because development of wetlands does not address risks that hazardous substances at the site pose to human health or the environment, it cannot be included as part of the CERCLA remedial action. Although NPS is not authorized to develop wetlands as part of the site's CERCLA remedial action, if wetlands or other projects intended to increase resiliency are planned for this area, it is possible this work could be included in the CERCLA remedial action planning efforts.
6.	Is this process subject to NEPA review?	No, CERCLA response actions are exempt from NEPA; however, NEPA's purposes are achieved through compliance with the CERCLA process.
7.	can you put up a map on share screen and show the location of the proposed trail bridge from Kenilworth to the Arboretum?	Figure 4 from the Proposed Plan was displayed for the audience. The figure shows the proposed alignment of the Anacostia Riverwalk Trail (ART) as depicted in the ART Environmental Assessment and on conceptual design plans prepared by the District Department of Transportation.
8.	Would a simple boathouse-type facility on the shore of the river in Kenilworth Park North be possible in the future under Alternative 3 or 4?	There is no reason why a boathouse-type facility could not be constructed in Kenilworth Park North under alternatives 3 or 4. Figures 4 and 5 in the Proposed Plan identify a "Water Access" location, which is outside the footprint of the landfill. Specific water access development plans for Kenilworth Park North will be determined by the District.
9.	Site History - most of the social history of the site and surrounding neighborhoods was omitted from the report. Is this information deemed irrelevant to the project?	The purpose of the Proposed Plan is to explain NPS's preferred alternative to clean up the site. Earlier documents prepared as part of the Remedial Investigation/Feasibility Study phase of the CERCLA process provide site history details. The Kenilworth Park Landfill Site Community Involvement Plan includes details on the surrounding

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		community and environmental justice analysis. These considerations are important to the project.
10.	ART and Bridge - these elements are made to appear higher priority than the remediation. How was it determined that the specific configuration (of ART and Bridge) be given priority when there are other ways to configure this important link once the park remediation and design are established. The EA specifically states that the design of trail and bridge will conform to the requirements of the Kenilworth Park Landfill actions.	NPS will work with the District during construction of the ART and pedestrian bridge to ensure the work is completed in a manner that protects the environment and human health. Plans for expansion of the ART and bridge are underway; therefore, these elements are shown in the Proposed Plan figures depicting Alternatives 3 and 4. NPS worked with the District Department of Transportation to ensure the portion of the ART that has already been constructed over the landfill was completed in a manner that avoided disturbing buried waste. The ART was constructed approximately 2 feet above the surrounding land surface to integrate with an eventual soil barrier. By taking appropriate measures to protect workers and manage excavated waste to avoid spreading contamination, abutments for the Arboretum bridge may be installed over the former landfill at any time. NPS does not consider development of either the ART or bridge to be higher priority than completion of the CERCLA response. The alignment of the ART will not be determined as a part of the CERCLA process.
11.	The land use and maintenance proposed in Alts 1-4 render most of the site, located in an important river ecosystem, useless as habitat. Please explain how these alternatives protect the environment.	<p>Please see NPS's response to Theme 2 above.</p> <p>The purpose of a CERCLA response is to address unacceptable risk posed to human health or the environment by hazardous substances present at a site. NPS does not agree that Alternative 3 would render most of the site useless as habitat. In fact, a key consideration for adopting Alternative 3 over alternative 4 is that valued habitat within Kenilworth Park South will be preserved. The future use of Kenilworth Park North will be determined by the District government. The District has informed NPS that it intends to use Kenilworth Park North to provide active recreational opportunities (e.g., sports fields), so that future use is what NPS assumed in the development and evaluation of remedial alternatives for the site. Also, as noted above, NPS has authority under CERCLA to respond to releases of hazardous</p>

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		<p>substances that pose unacceptable risks to human health and the environment; it cannot use that authority to recreate an environment that is no longer there (or never was).</p> <p>This response does not imply, however, that additional measures to enhance habitat along Watts Branch and the Anacostia River could not be taken. Portions of the landfill adjacent to the River and Watts Branch could be excavated and revegetated to create more habitat and flood resiliency independent of the CERCLA response.</p>
12.	<p>Cost of Alt 5 is characterized as "non cost balancing". Please explain this term. The evaluation analysis diminishes the value of wetlands. Given all the benefits, please explain how this determination was made. DoEE, which requires "no net loss and eventual net gain of wetlands", will inherit management of the park. Many agencies (EPA, USFWS etc) offer financial support for wetland restoration. FEMA considers it an effective flood control measure. Clearly wetlands are very valuable to other agencies.</p>	<p>Remedial alternatives must be evaluated against the nine criteria described in section 300.430(e)(9)(iii) of the NCP. For purposes of remedy selection (see section 300.430(f)(1)(i)), those nine criteria are divided into three categories: threshold criteria (the first two), balancing criteria (three through seven), and modifying criteria (eight and nine). One of the five balancing criteria is cost; the other four are referred to as "non-cost balancing criteria." Alternative 5 was deemed to be relatively ineffective (compared with other alternatives) on the non-cost balancing criterion of short-term effectiveness. In addition, that alternative failed to meet the additional requirement of cost-effectiveness set forth in section 300.430(f)(1)(ii)(D) of the NCP. In other words, its costs were not proportional to its overall effectiveness. In this context, "effectiveness" is measured in connection with the first three balancing criteria.</p> <p>CERCLA response actions are required to address unacceptable risks posed by the presence of CERCLA hazardous substances at the site. The evaluation of costs is relative to the alternatives that meet the response action objectives. The economic value of creating additional wetlands and providing flood resiliency does not factor into the CERCLA response action selection criteria.</p>
13.	<p>Was there consideration given to integrating park design and remediation? Rather than making the objective of Alt 5 removal of all landfill material, the objective could be to design a Wetland Park</p>	<p>Please see NPS's responses to Themes 1, 2 and 3 above.</p>

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	featuring water dependent activities, maximizing area of wetland creation while designing also for compatible land-based activities. This would make best use of site and financial resources.	
14.	There are different ecosystem services associated with different parts of the site. In particular, the riparian area of the site alongside the Anacostia has and could have significant value for habitat, recreation and flood management. Did the evaluation of site remediation options consider ecosystem service value in development of the five options?	<p>Please see NPS's response to Theme 2 above.</p> <p>The restoration of natural resources to provide additional ecosystem services, create habitat, provide recreational opportunities, or reduce flood risks is not a proper objective of a CERCLA response action. However, a remedy designed to address unacceptable risks from exposure to hazardous substances may incidentally provide such benefits.</p>
15.	<p>can you clarify what, if any, remediation is being done on Kenilworth south?</p> <p>There are many lovely fruit bearing trees and bushes, I can see kids, and adults, helping themselves to the fruit.</p> <p>I'm concerned if the soil isn't healthy then the fruit won't be either.</p>	<p>The future use of Kenilworth Park South is controlled by the General Management Plan (GMP) for Anacostia Park. The GMP requires that KPS be managed for natural resources recreation -- in other words, that it be maintained in a natural state for passive recreational uses. Under NPS's preferred alternative 3, no vegetation will be removed from Kenilworth Park South.</p> <p>The contaminants of concern that drove potential human health risk at Kenilworth Park South were polycyclic aromatic hydrocarbons (PAHs). Exposure to PAHs by eating fruit from trees growing at KPS is not expected to be significant. In general, plant uptake of PAHs from soil is limited, because PAHs tend to strongly bind to organic matter in soil, thus rendering them unavailable for uptake by plants. In cases where plants may take up PAHs from soil, this uptake is typically limited to the skins or outer layer of roots that are in direct contact with impacted soils. PAHs that are stored in the outer layer of the plant are not readily transferred to the interior of the plant to any appreciable degree. Thus, there is little potential for risk from eating fruit from trees at KPS.</p> <p>As an aside, picking fruit from trees growing within a national park is prohibited.</p>

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16.	<p>I understand that KPN consists of 80 acres and Alt 3 proposed to place a soil cap on 60 acres.</p> <p>Over time, athletic areas will likely be rearranged and years from now athletic events or other activities are likely to occur on these unprotected areas. What would be the extra cost to cover the entire site?</p> <p>Monte Edwards Committee of 100</p>	<p>The preferred alternative includes placing a clean soil barrier in areas of Kenilworth Park North in all areas that could potentially be developed for organized sport and recreation/community activity and special events areas. There are natural buffer areas along the outer portions of Kenilworth Park North that will be held in a natural undeveloped state as part of the transfer requirements, and, like Kenilworth Park South, will not require a barrier due to the anticipated lower frequency and intensity of use. The specific areas to be developed for organized sport and recreation/community activity and special events, as well as the area to be set aside as natural buffer, have not been delineated; therefore, to provide a conservative estimate, NPS included all areas that could potentially be developed for active recreational use.</p>
17.	<p>Did the team consider restoration of wetlands in limited areas adjacent to Anacostia river and Watts branch?</p>	<p>Please see NPS's response to Theme 2 above.</p> <p>Within the context of a CERCLA response, restoration of wetlands adjacent to the Anacostia River is not tied to the reduction of unacceptable risk posed by the contamination; therefore, NPS has no authority under CERCLA to restore wetlands as a response action. As noted in the responses to other comments, if the District chooses to create wetlands, these plans can be integrated with the CERCLA remedial action during the CERCLA remedial design phase which begins after issuance of the Record of Decision.</p>
18.	<p>What considerations were given to wildlife habitat in the area, for instance, the American Woodcock, which breeds in this area and is a Species of Greatest Conservation Need?</p>	<p>During NPS's evaluation of possible alternatives, alternative 3 received a more favorable short-term implementation rating relative to alternatives 4 and 5 because alternative 3 would not destroy existing habitat. NPS also conducted a risk assessment to evaluate risks to ecological receptors, including birds, during the remedial investigation.</p>
19.	<p>will NPS remediation take place prior to transfer to DC?</p>	<p>Remediation is not anticipated to take place before Kenilworth Park North is transferred to the District.</p>
20.	<p>How much of the shoreline of the site has sea wall? What part of the shoreline does not have seawalls? What is the seawall made of? What</p>	<p>There is approximately 1,700 feet of sea wall that runs along the Anacostia River bank in the northern portion of Kenilworth Park</p>

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	<p>is the condition of the seawall? If KPS is to be a natural resource area, why not reestablish wetlands along the shoreline?</p> <p>Monte Edwards Committee of 100</p>	<p>North. There is no sea wall along approximately 2,200 feet along the southern portion of Kenilworth Park North and the entire length of Kenilworth Park South. The sea wall consists of a rip rap foundation with a trapezoidal stone masonry wall that terminates a few feet above mean high water. Based on recent condition assessment the sea wall next to Kenilworth Park North is in stable condition with no need for repairs. Re-establishing shoreline is outside the authority NPS has under CERCLA, but such an activity could be implemented under a different program. Note that the topography of Kenilworth Park South would likely limit the feasibility of re-establishing wetlands along the River in this area.</p>
21.	<p>We understand your responsibility under CERCLA. The concern for the community is that we are left with healthy land which can serve the community. These alternatives do not do that.</p>	<p>The preferred alternative (Alternative 3) addresses the risk posed to human health by hazardous substances in site surface soil, subsurface soil and waste and allows the land to be used for its reasonably anticipated future use (i.e. passive and active recreational uses).</p>
22.	<p>To be clear, there is no requirement that the remedial action be all excavation, or all capping. Correct? In the context of CERCLA response, your remedial option stable already certifies that the excavation of the site to return it to its original state, including wetlands, does meet the criterion to reduce risk.</p>	<p>Full removal of the landfill would eliminate the unacceptable human health risks identified through the remedial investigation and associated risk assessments. However, the preferred alternative 3 (partial clean soil barrier) ranks higher than alternative 5 (full removal) based on short-term effectiveness and cost. The cost associated with excavating and disposing of landfill waste is significantly higher than placing a clean soil barrier within areas that will be used for Organized Sport and Recreation/Community Activities and Special Events with no additional reduction in risk. Although partial excavation of waste to restore tidal mud flats and wetlands may have a benefit for flood resiliency, the additional cost for waste excavation and removal would still be less cost effective than the clean soil barrier and there would still be a short-term negative impact to the surrounding neighborhood due to increases in truck traffic.</p>
23.	<p>Your preferred alternative already treats North different from South, why didn't you treat excavation in a similar manner?</p>	<p>The preferred alternative does not apply one remedy to Kenilworth Park North and a different remedy to Kenilworth Park South. Instead, the same remedy – i.e., placement of a clean soil barrier over all</p>

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		<p>surfaces that pose an unacceptable risk to human health or the environment – is applied to the entire site. Due to differences in the future uses envisioned for Kenilworth Park North and Kenilworth Park South, the application of the remedy results in only one of those areas being capped. In contrast, the uniform application of Alternative 5 (excavation of all landfill waste) across the entire site results in both Kenilworth Park North and Kenilworth Park South being excavated.</p> <p>In short, NPS has applied Alternative 3 and Alternative 5 in the same manner. Nonetheless, NPS has also provided a cost estimate for the hybrid approach suggested during the public meeting. See response to comment 3.</p>
24.	For the estimated costs of the abatement, would that be borne by the National Park Service or by DC Government after the transfer of Kenilworth Park North?	Cost sharing negotiations between the District and the United States are ongoing.
25.	Can you clarify the timeline of the Record of Decision (ROD) being released, the transfer of jurisdiction and the remedial work being completed? My understanding so far is that the jurisdiction would transfer after the ROD but before the remedial work. Will the remedial work be overseen by NPS after jurisdiction has been transferred or would the district take over managing the remedial work?	<p>It is anticipated that the Record of Decision (ROD) will be issued in 2021 and the transfer of administrative jurisdiction for Kenilworth Park North is expected to occur after issuance of the ROD. The remedial design phase will begin after issuance of the ROD. This phase will include development of the detailed engineering plans to implement the remediation. After completion of the remedial design phase, the implementation of the design will begin.</p> <p>NPS will continue to oversee the CERCLA remedial action as the federal lead agency; however, the specific future roles and responsibilities of the District government and NPS will be negotiated and outlined in a future agreement between the United States and District.</p>
26.	A recent development in Virginia used barges instead of trucks. Could option #5 work with less disruption to the community if an alternative to truck traffic is used? I agree with others that pursuing option #5 is a worthwhile effort.	Using barges rather than trucks will not significantly change the analysis or the factors used to select the preferred alternative. The use of barges could increase the absolute and relative cost of Alternative 5 as that approach would require additional loading,

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		unloading, and hauling above and beyond that which would be required for trucking.
27.	How has NPS determined the presumed future use?	<p>The future use of Kenilworth Park South is controlled by the NPS General Management Plan for Anacostia Park. This plan requires that Kenilworth Park South be managed for natural resources recreation -- in other words, that it be maintained in a natural state for passive recreational uses.</p> <p>Congress directed NPS to transfer administrative jurisdiction over Kenilworth Park North to the District. Once that transfer occurs, Kenilworth Park North will not be part of Anacostia Park and will not be subject to the General Management Plan. The transfer legislation provides that Kenilworth Park North must be "used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities." Within those broad constraints, the future use of KPN will be determined by the District government. The District has informed NPS that it intends to use Kenilworth Park North to provide active recreational opportunities (e.g., sports fields), so that future use is what NPS assumed in the development and evaluation of remedial alternatives for the site.</p>
28.	Following the comment period, looking at an actual timeline and considering that option 3 is accepted, when would the 1-2 year plan begin? When would this project take place?	The estimated 1 to 2 years was an estimate to complete the implementation of alternative 3. The implementation begins after the remedial design phase, which is the CERCLA phase when the detailed engineering drawings and plans are prepared. The remedial design phase will begin after issuance of the Record of Decision. The timeline to fully implement the remedy is uncertain but for the selected alternative could reasonably fall within the range of 5 to 10 years in the future. This would include preparing the remedial design (engineering drawings and plans) and conducting the site work (i.e. actual placement of the clean soil barrier).
29.	Is woodland going to be removed, and if so, where, and how will the disturbed land be treated?	Under the preferred alternative, wooded areas located within Kenilworth Park South will remain, and natural buffer areas along the outer portions of Kenilworth Park North will be held in a natural

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		undeveloped state as part of the transfer requirements of Kenilworth Park North. Alternatives 4 and 5 would require significant removal of existing woodlands.
30.	Please explain the difference between “unacceptable” and “acceptable” risk. Does this differ for those of us who live here and use the park daily?	<p>As part of the Feasibility Study, NPS adopted a target excess cancer risk level of one in one million. Within the regulations that implement CERCLA, the national contingency plan or NCP, acceptable long-term cancer risk can range from one in ten thousand to one in one million. Acceptable short-term, or “acute,” risk is established by what is known as the “hazard index” (HI). The HI is a ratio of the potential exposure to a substance (e.g., a concentration in media such as soil) and the level (or concentration) at which no adverse effects are expected from exposure to that substance. A hazard index of 1.0 was the target short term acceptable risk (i.e., the level at which no adverse effect is anticipated).</p> <p>The acceptable risk level for cancer is based on the frequency and intensity of exposure. Therefore, the variable risk and cleanup levels are based on the activity likely to be undertaken. Walking along established trails on a daily basis is a different exposure scenario from playing contact sports on an athletic field. The exposure scenarios are described in the 2020 Feasibility Study Addendum report. NPS has prepared a poster that provides further explanation on how risk is evaluated during the CERCLA process. This poster is entitled “What is Risk Assessment” and is posted under the “Want to Know More” section of the webpage.</p>
31.	What additional outreach activities will the NPS be taking to connect with communities in Kenilworth, Paradise, Mayfair Mansions, and Eastland Gardens? It’s important they are engaged, and their feedback is sought and recorded.	NPS agrees that it is important to engage and seek feedback from the communities surrounding the Kenilworth Park Landfill Site. Input from the community is very important to consider during the selection of a cleanup alternative for the Site and will coordinate with the Deanwood Citizens Association and other community groups to participate in upcoming meetings.
32.	Thanks for the presentation. Given the proximity to the Anacostia River, and the ongoing ARSP, did the NPS consider alternatives that	The Remedial Investigation concluded that there is no unacceptable risk from contaminants at the landfill migrating to the River;

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	would reduce or eliminate contaminant exposure in the river adjacent to the site?	therefore, consideration of measures to prevent impacts to the River were not necessary. If contaminated river sediments adjacent to the site need to be remediated, that will be done as part of the Anacostia River Sediment Project.
33.	If the shoreline is not naturalized or graded, there can be no access for boating	Any grading or naturalization needed to accommodate boat access can be completed independently of this response action. The preferred alternative would not preclude those activities in the future.
34.	We are observing the "silting-in" of the Anacostia River. With alternative 3, capping cover of soil in Kenilworth Park North and South, what will keep it from running off into the river? What is the plan to remediate this?	The remedial design for the clean soil barrier would require stormwater protection measures in accordance with applicable laws and regulations. These requirements would be incorporated into the remedial design to prevent sediment contamination from newly placed soil. These areas would be vegetated to provide long-term stability. Also, the clean soil barrier is proposed inside an existing natural buffer, so the new soil barrier would not extend to the banks of the Anacostia River or Watts Branch.
35.	Is the cost of the selected alternative to be shared with the District?	Cost sharing negotiations between the United States and the District are ongoing.
36.	How will the construction affect the Anacostia River trail access?	The existing Anacostia Riverwalk Trail located along the northern portion of Kenilworth Park North is located outside the areas currently designated to receive a clean fill barrier; therefore, access is not expected to be impacted during the cleanup.
37.	When the District assumes administrative control of North, which agencies will have that control? In particular, who will be responsible for the shoreline?	It is NPS's understanding that following the transfer to the District, the Department of Parks and Recreation (DPR) will have primary responsibility for managing Kenilworth Park North. It is anticipated that DPR would consult with the District Department of Energy and Environment (DOEE) regarding natural resource issues such as the shoreline. Actual management roles and responsibilities for Kenilworth Park North will be determined by the District, not NPS.
38.	What (if anything) is preventing DC government from developing its plan for Kenilworth North at the same time as this process so they can be coordinated, as per Trey's point about making efficient use of dollars (federal and local)?	There is nothing preventing the District government from developing its plan for Kenilworth Park North at the same time as the CERCLA process proceeds. The alternatives identified in the Feasibility Study and Proposed Plan are not intended to be detailed engineering

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		<p>drawings; they are conceptual and were used to develop approximate costs. Prior to developing and evaluating the alternatives, NPS consulted with the District to discuss its preliminary plans for Kenilworth Park North, which included development of additional sports fields. Although the District's plans were very preliminary, they were sufficient for NPS's cost estimating purposes. The area shown for a soil barrier in Alternative 3 is meant to represent a conservative scenario of sports field development as no specific plans have yet been developed by the District.</p> <p>After the formal cleanup plan is issued in the Record of Decision, the next phase of the CERCLA process will be preparation of the remedial design. This phase will likely be completed after Kenilworth Park North has been transferred to the District. During the remedial design, the specific construction drawings, plans, and specifications will be prepared. These plans will need to accommodate whatever the District's future plans are for the site. The remedial design for the cleanup will not occur without coordination with the District.</p>
39.	<p>You have already talked about realignment of the Riverwalk trail that I assume would involve DDOT during the design phase. Do you plan to incorporate others, such as DOEE, who would likely advocate for some form of their Living Shoreline draft plan in terms of wetlands or sills to replace deteriorated seawalls?</p> <p>Monte Edwards Committee of 100</p>	<p>Realignment of the Anacostia Riverwalk Trail is not part of the CERCLA response action. The alignment of the existing Anacostia Riverwalk Trail within Kenilworth Park North will remain as constructed in 2015. The alignments of future trail segments within Kenilworth Park North and Kenilworth Park South are managed by DDOT and are proceeding independent of the CERCLA response action. DDOT does consult with NPS to ensure the trail construction is completed in a manner that protects worker health and mitigates possible hazards encountered during construction.</p> <p>Any plans for development of living shoreline the District may wish to incorporate along Watts Branch or the Anacostia River could be considered during the remedial design phase of the project. NPS and the District will continue to work closely together on this project.</p>

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40.	What is proposed to be done with the former community center site?	The future of the former community center site and related facilities (building foundation, swimming pool, basketball and tennis courts) will be determined by the District during redevelopment planning.
41.	If I understood correctly, currently building on either KPS or KPN would cause an unacceptable exposure risk to workers. After the soil cap is in place would building on the site be possible without these risks?	Risk posed to workers is only unacceptable if no protective measures are taken. Part of the remedy includes “institutional controls,” which for this Site will include administrative requirements to implement precautions before and during any proposed excavation activities to protect worker safety and address this risk. Installing utilities or constructing buildings over the site is possible as long as protective measures are taken in the design and construction. NPS will provide oversight of any excavation activities to ensure appropriate protective measures are taken.
42.	When uses change it is not just a matter of applying more fill. Any changes will require significant regrading as long as contaminated material remains below.	<p>The Preferred Alternative was selected based on the District’s current plan to develop Kenilworth Park North for active recreational opportunities (e.g., sports fields). Specific areas to be covered will be delineated as part of the remedial design phase of the project and will be based on the District’s specific development plans for Kenilworth Park North.</p> <p>As part of the institutional controls put in place to manage the site, there will be limitations on future land use and precautions will be required to protect worker safety during construction and excavation activities.</p>
43.	Thank you for this presentation. I’m curious about the Kenilworth site and its influence on the Anacostia River. The proposed plan suggests that contamination in the tidal Anacostia River do not appear to be attributable to the Kenilworth site. Are there data that have been collected in Watts Branch that can be compared with Anacostia River data that informed this statement? Thank you.	<p>The Kenilworth Park Landfill Site, in contrast to other sites located along the Anacostia River such as the Washington Gas East Station site, the Washington Navy Yard, and the Pepco Benning Road site, does not include any portion of the Anacostia River. If the sediments adjacent to Kenilworth need to be remediated, that will be done as part of the Anacostia River Sediments Project (ARSP) remediation.</p> <p>NPS collected sediment samples from Watts Branch and the Unnamed Tributary during the preliminary assessment/site inspection and remedial investigation phases of the project. NPS also reviewed</p>

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		<p>results reported from sediment samples collected from Watts Branch as part of the ARSP and a related tributary study. The results reveal contaminants, including polychlorinated biphenyls (PCBs), at higher concentrations at some locations upstream of the Site. This indicates there are sources of contamination located upstream of the Kenilworth Park Landfill Site.</p> <p>Based on the review of available data, NPS concluded that the Kenilworth Park Landfill Site is not a current, ongoing source of contamination to adjacent surface waters including Watts Branch or the Anacostia River.</p>
44.	I'm looking back through the FS Addendum for information about how groundwater from the site moves contaminants and/or contaminated sediment into the river and/or into Watts Branch, but I'm finding nothing. Does NPS persist in its assertion that there is no migration of contamination from the site to the river or to Watts Branch?	<p>Information regarding the potential migration of contaminants in groundwater is provided in the 2019 Remedial Investigation (RI) Addendum report, which is referenced in the 2020 Feasibility Study (FS) Addendum. The RI/FS documents are intended to be complementary where the FS builds on the data and conclusions of the RI.</p> <p>The RI Addendum report concluded that there are no unacceptable risks associated with contaminants in groundwater migrating to the Anacostia River, Kenilworth Marsh, or Watts Branch. The RI/FS did not investigate whether the Site may have been a historical source of contaminants to those water bodies.</p> <p>Sediment contamination in the Anacostia River adjacent to the Site is being addressed as part of the Anacostia River Sediment Project (see response to comment 43).</p>
45.	NICK Kushner - would you mind supplying your contact info?	<p>Nick Kushner, AICP Community Planner Capital Projects, Planning and Design</p> <p>DC Department of Parks and Recreation 1250 U St. NW Washington, DC 20009</p>

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		P: 202.391.9188 E: nick.kushner@dc.gov
46.	This might be covered in the addendum report but I was wondering if preferred alternative 3 is chosen, how often and for how long will the site be monitored for potential erosion (e.g., along the river and stream banks)? And if there is erosion occurring, what are the plans to address this?	NPS's preferred alternative 3 would not involve earthwork along the river and stream banks; therefore, erosion in these areas associated with installation of the clean soil barrier is unlikely. Nevertheless, NPS included monitoring for erosion as a component of the Institutional Controls. The frequency and duration of monitoring for erosion and mitigation steps to address erosion will be established and outlined as part of the Record of Decision issued for the Site and will be detailed in plans prepared as part of the remedial design phase. In addition, CERCLA requires NPS to conduct a review of the remedy's protectiveness at least once every five years if the selected remedy will leave waste at the Site (as most of the evaluated alternatives would).
47.	Barges were used in the construction of the ART - as far north as NY Ave	Thank you for the comment, no response is necessary. See the response to comment 26.
48.	Barges are already in use for other projects along the river so that is a very worthwhile question.	Thank you for the comment, no response is necessary. See the response to comment 26.
49.	Good Afternoon, Was there a recording of the Wednesday meeting and materials I can share with my constituents? I am the ANC of Parkside which abuts NPS land adjacent to the Anacostia River and was not aware of the event until after it ended.	A recording of the virtual meeting and transcript has been posted on the Kenilworth Park Landfill webpage www.nps.gov/anac/learn/management/kpls.htm
50.	Donna: I live in River Terrace in NE DC and am excited to see that Kenilworth Park will be cleaned up. I think Alternative 3 makes the most sense. However, I would like to advocate for the inclusion of a car-top canoe / kayak launch near the site of the proposed footbridge to the Arboretum. As an avid kayaker, there aren't nearly enough spots to easily (and safely) launch between Bladensburg Waterfront Park and the Anacostia boat ramp. I already use the make-shift launch in	Congress has directed NPS to transfer administrative jurisdiction over Kenilworth Park North to the District; therefore, the District will determine the configuration of future park facilities. The water access location shown on Figure 4 from the Proposed Plan shows the water access location that was included on a conceptual design plan prepared by the District Department of Transportation. The preferred alternative would allow for the type of boat launch you have described.

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	<p>Kenilworth Park, but it would be very nice to have something more formal in the final plans.</p> <p>Let me know if you have any questions or would like to discuss!</p> <p>Thanks, Ben Grillot 3445 Clay Street NE</p>	
51.	<p>Dear Ms. Davies,</p> <p>I am a regional bicycle advocate and very interested in the Anacostia River Trail access. I unfortunately missed the public meeting concerning the NPS Kenilworth Park Landfill Site project.</p> <p>Recently, Jersey barriers have been placed in the trail access at the terminus of Deane Ave at Watts Branch Creek. This trail is a moderately traveled spur from the ART as a bypass for Mayfair District / Parkside Apartments (where the surface route is often filled with debris and glass making this route dangerous).</p> <p>Could you please advise me of the trail bypass closure (trail users would like the barriers to have a 3 ft opening for continued pedestrian and bicyclist access)?</p> <p>Also, I'm very interested in the trails proposed for Alternative 3. Can you share greater detail than available on the Alternative PDF map posted from the meeting?</p> <p>P.S. I am supportive of the NPS preferred alternative 3 at this time. My priority is to maintain and improve access to Kenilworth Park for trail users.</p>	<p>The placement of the jersey barriers, at the terminus of Deane Ave at Watts Branch Creek, and the gate located along the Anacostia River Trail to the south, was originally placed because of the unsafe physical conditions (uneven terrain and construction debris), which resulted in the administrative closure of the area. Over the years, the jersey barriers have been inadvertently moved and gate re-opened without park approval. This has led to vehicles accessing the site, which have created additional safety concerns. NPS recently repositioned the jersey barriers and re-locked the gate to remedy the issue. NPS is currently reviewing the administrative closure and access to the area for visitor use.</p> <p>At this time, the only trail planned for development across Kenilworth Park South is the continuation of the Anacostia Riverwalk Trail. DDOT determined the alignment of this trail, which was shown on the Alternative 3 figure. NPS has not yet determined the future of the road that runs north to south across Kenilworth Park South and is also shown on the Alternative 3 figure; it may be removed or it may remain, but NPS will make that decision outside of the CERCLA process.</p>
52.	<p>Hello Donna,</p> <p>What if any responsibility does NPS have for remediation of contaminated sediment adjacent to Kenilworth Park? On one of the</p>	<p>The RI Addendum concluded that the Kenilworth site is not an ongoing source of contaminants to river sediments, at least not at concentrations that create unacceptable risks to human health or the</p>

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	<p>ARSP documents this area is identified as a hot spot. As you know, many members of the general public followed the ARSP with great interest. While the DoEE has done an exceptional job making their plans available and comprehensible to the public, many members of the gp are completely in the dark about activities and plans of the other PRPs (PEPCO, WASH GAS, NPS, etc). It would be very helpful to gain a full picture of activities around Kenilworth Landfill, especially now while the Feasibility Report and Proposed Plan for Remedial are out for public comment.</p> <p>Thanks for your help.</p> <p>Marian</p>	<p>environment. The Kenilworth Park Landfill Site, in contrast to the Washington Gas East Station site, the Washington Navy Yard, and the Pepco Benning Road site, does not include any portion of the Anacostia River. If the sediments adjacent to Kenilworth need to be remediated, that will be done as part of the ARSP remediation. To the extent there are allegations that Kenilworth contributed hazardous substances to the river in the past, those allegations would be addressed in the context of allocation discussions among the potentially responsible parties for the ARSP.</p> <p>NPS will not be remediating contaminated river sediments as part of the Kenilworth response action. The boundaries of the site were drawn to ensure that the Kenilworth site and the ARSP site were mutually exclusive. In other words, the site boundaries were designed to avoid the possibility that the same area would be subject to overlapping and potentially inconsistent investigations and response actions. Because other contaminated sites along the river include portions of the adjacent riverbed, those sites were essentially carved out of the ARSP and will not be addressed as a part of that response action. Instead, the sediments adjacent to those sites are being investigated in accordance with the legal agreements in place for those sites and will be remediated, if necessary, in accordance with separate records of decision issued for those sites.</p>
53.	<p>I wanted to comment on the remediation plan that was recently published. I am not sure if I will be able to attend the meeting, but there are a couple of questions that I have and that I am hoping can be answered for me as well as for the public. (1) It sounds like the preferred alternative would include placing topsoil on the Anacostia Trail as well as the fields. Is this correct? If so, what is the likely timeline for this work, and how long would the trail be "offline"? (2) Does the plan impact the planned bridge over the river to the Arboretum in any way?; (3) Can the planned segment of the Anacostia Trail across Kenilworth Park South be constructed before the</p>	<p>1. The proposed clean soil barrier included in the Preferred Alternative 3, will not cover the Anacostia Riverwalk Trail. The fill placed during construction of the trail and the asphalt surface provide a barrier between visitors and the underlying soil. The 12-inch clean soil barrier placed over areas of Kenilworth Park North will butt up against the trail, which was designed to be approximately 2 feet above the surrounding ground surface. There is no plan to take the trail offline for the preferred alternative; however, alternate routes would need to be considered for Alternative 5 (complete removal of the landfill and return to mud flats and wetlands). Following issuance</p>

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	remediation work is done at Kenilworth Park North, so that trail users would have an alternate route while the work is being done? Thanks.	<p>of the final plan in the Record of Decision the remedial design phase will begin and will include the specific details of the plan.</p> <p>2. During construction, hazards such as methane gas and possible unexploded ordnance must be considered and mitigated. Also, if contaminated soil or waste is disturbed during construction, this soil/waste must be properly managed. Finally, the final remediation plan must be considered during design and construction of the bridge. For example, if the preferred alternative becomes the final plan for the Site, the bridge design must consider the raised ground surface elevation associated with the future clean soil barrier to be placed over Kenilworth Park North. The construction of the Arboretum pedestrian bridge can proceed independent of the remediation of the Site as long as precautions such as those identified above are considered and addressed.</p> <p>3. The construction of the Anacostia Riverwalk Trail across Kenilworth Park South is moving forward and is proceeding independent of the cleanup project.</p>
54.	<p>To Whom It May Concern:</p> <p>I am opposed to the plan to develop Kenilworth Park. As a community member who enjoys the park on a weekly basis, I request that the land be preserved for wildlife. It is one of the only true wilderness areas easily accessible in DC, and as it hosts breeding woodcocks, Northern Harriers, spring peepers, Kestrels, and many other species of wildlife. Looking out over the meadow in the morning and hearing the birdsongs brings a smile to my face. I have also seen children enjoying the sights and sounds of a wild place they may not otherwise have access to in the city.</p> <p>Thank you for your consideration.</p>	<p>One of the benefits NPS considered for alternative 3 is the fact that this alternative would require no destruction of the current habitat located on Kenilworth Park South. There are also areas of Kenilworth Park North that will remain as natural resource buffer areas.</p>
55.	<p>This is such a wonderfully rich natural environment and hosts many native species. Please preserve it.</p>	<p>Thank you for your comment, NPS's Preferred Alternative 3 would preserve Kenilworth Park South and natural buffer areas within Kenilworth Park North in its current condition.</p>

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56.	<p>I am the advisory neighborhood commissioner. One of the commissioners for the area. I just wanted to see if you could restate what the timelines were on potential decisions being made for the proposed alternatives part one, part two for the alternatives that have been proposed, what is the breakout between the responsibilities for who is paying for those different courses of action. The federal government versus DC government. Is that also driving what alternatives or accidents and or plans are being made?</p>	<p>The future schedule for the process is as follows:</p> <p>As required under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), NPS is accepting comments on the Proposed Plan and supporting documents through February 10, 2021. NPS will review and consider all comments received on the plan and feedback from the District and will decide if the preferred alternative will be chosen as the final remedy for the site. The final remedy will be documented in the Record of Decision (ROD). The ROD requires review and approval by various Department of the Interior and NPS officials; therefore, an exact timeframe cannot be determined. However, this process is expected to be completed within one year. After issuance of the ROD, the site will move into the remedial design phase. This phase is expected to take approximately two years. After completion of the remedial design phase, the remedial action will begin. This is the phase when the actual work is completed at the site. Assuming the preferred alternative is selected, this phase is expected to take one to two years after selection of a contractor. The timeline for full implementation of the selected remedy is uncertain but could reasonably fall within the range of five to ten years.</p> <p>Cost sharing negotiations between the United States and the District are ongoing. The source of funding for the response action is not a factor that was considered in selecting the preferred alternative.</p>
57.	<p>Hi! I am a DC resident and a frequent user of the Kenilworth Park North area as an avid birder.</p> <p>As you may know, Kenilworth Park is one of the best spots for birding and wildlife viewing in the city, and frequently used for that purpose. More birds have been seen there than anywhere else in the city this year (https://ebird.org/region/US-DC/hotspots?yr=cur), and almost 250 species have been reported from there (https://ebird.org/region/US-DC/hotspots?yr=all). The lists include</p>	<p>NPS's preferred alternative 3 would not impact existing habitat located on Kenilworth Park Landfill South. This was one of the short-term benefits NPS considered during the evaluation of possible alternatives. Kenilworth Park South is designated in the Anacostia Park Management Plan as a Natural Resource Recreation zone. The only planned development within Kenilworth Park South is the construction of the Anacostia Riverwalk Trail Phase II Realignment.</p>

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	<p>the Aquatic Gardens also, but the Park is the more heavily-birded area -- it has hosted a large number of extremely uncommon DC species in the last few years, including a DC-first Loggerhead Shrike, multiple Nelson's Sparrows, etc. It is also the best or only place in DC for Meadowlarks, Blue Grosbeak, and others.</p> <p>It is a critical habitat for many nesting birds: the recently-started MD/DC breeding bird count has unofficially (so far) tallied ~60 species as Probable or Confirmed breeding in the KP/KAG parks, which is tied for the most of any DC hotspot (with Theodore Roosevelt Island), and 20% more than anywhere else.</p> <p>These stats and others have been pulled from the eBird database (I'm into data analytics by trade). If there are other numbers of interest, please feel free to request anything from me.</p> <p>After reading through the proposal, it occurred to me that a modification of Alternative 3 might be of interest to the community. I rarely see anyone using the playing fields (except occasionally the one by the back parking lot). I would propose giving over more of the mowed-grass area to un-mowed field. That should lower the cost, because the un-mowed areas don't need to be capped with additional soil, and expand the area useful to wildlife. Potentially, the savings could be moved into a wetland renewal project on site along the Anacostia.</p> <p>At any rate, I and the DC birding community are heavy users of the KP site. We love it and dearly hope that these alterations don't have any adverse long-term effects on the wildlife that lives and breeds there.</p> <p>Thank you!</p>	<p>Your comment about expanding areas within Kenilworth Park North to un-mowed meadows is noted; however, because Congress directed NPS to transfer administrative jurisdiction over Kenilworth Park North to the District, future plans for Kenilworth Park North will be determined by the District. There will also be natural buffer areas along the outer portions of Kenilworth Park North that will be held in a natural undeveloped state.</p>
58.	One of the reports mentions that remediation methods will accommodate future use. With all the investment in returning the	Please see NPS's responses to Themes 2 and 3.

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	<p>river to swimmable and fishable, it is curious that water dependent activities have not been accommodated. Further, the possibility of accommodating these activities in the future will be prevented by the implementation of this and associated plans. Condition of Watts Branch and continuing degradation of river due to disconnection of the river from the flood plain have not been addressed.</p>	<p>Future land use is not dictated by the CERCLA process; to the contrary, CERCLA response actions are developed around expected future land use. For Kenilworth Park South, future land use is established in NPS's Anacostia Park General Management Plan. For Kenilworth Park North, future land use will be determined by the District when administrative jurisdiction is passed to them from NPS in accordance with the transfer legislation. To date, the District has not identified specific plans for Kenilworth Park North but the Department of Parks and Recreation shared a vision for improving and expanding athletic fields.</p> <p>The Proposed Plan is conceptual and does not necessarily represent what the final remedial design will include. The clean soil barrier was selected to protect areas of the park where visitors could encounter surface soil at a relatively high frequency and at a relatively high intensity (e.g., during routine sports team practices and games). Selection of the preferred alternative will not prevent the District from selecting alternative land use configurations provided they are selected before the remedial design is completed.</p> <p>The conditions of Watts Branch, Kenilworth Marsh, and the Unnamed Tributary to Watts Branch were evaluated as part of the original Preliminary Assessment/Site Investigation (PA/SI) for Kenilworth Park South and the Remedial Investigation (RI) of Kenilworth Park North. Additional analysis of sediment data collected as part of the PA/SI and RI activities was included in support of the 2012 Feasibility Study. Because available data indicate there are likely multiple undifferentiated upstream sources of contaminants to the surface water and sediment adjacent to the Site, and because the existing data do not suggest an ongoing contribution of contaminants from the landfill, additional assessment and evaluation of response actions did not include Watts Branch, the tributary to Watts Branch, or Kenilworth Marsh.</p>

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59.	<p>Were other migration pathways to the river other than groundwater, including soil pathways (soil runoff) to the River and/or direct placement of landfill material into the River? Were PCBs detected in sediments adjacent to South or North?</p> <p>clarification: were other pathways evaluated. including the historical pathways; Does NPS consider Kenilworth a source (historical source) of PCBs to the Anacostia?</p>	<p>PCBs are present in River sediment adjacent to both Kenilworth Park North and Kenilworth Park South. The distribution of PCBs in sediment in these areas does not indicate significantly higher concentrations of contaminants from the landfill; however, historical contributions from the landfill cannot be ruled out. Additional sampling and forensic analysis of PCBs in the landfill may inform whether and to what degree the landfill was a historical source of PCBs in the river sediment. PCB concentrations are also higher in zones of sediment deposition (zones where the current slows down and solids settle out); therefore, PCBs in river sediment near Kenilworth Park Landfill may also be attributable to sources farther upstream.</p>
60.	<p>Existing conditions at KPS appear to support current and future use. It makes sense that KPS remain in current condition. However, Alternative 5 is applied to KPN would accommodate a wider range of activities. Can this alternative be developed? Was it previously considered?</p>	<p>A hybrid alternative where Kenilworth Park South remains in its current condition (Alternative 3) and Kenilworth Park North is returned to tidal wetlands (Alternative 5) was considered and presented at the Leadership Council meeting where this question was posed. Details of this analysis are presented in response to Comment No. 3.</p>
61.	<p>Location of the proposed Anacostia River trail precludes naturalization of shoreline, restoration of Watts Branch and installation of wetlands. Has there been any thought given to modifying location of trail?</p>	<p>The alignment of the ART will not be determined as a part of the CERCLA process. Any concerns with the proposed alignment of the ART should be directed to DDOT.</p>
62.	<p>To be able to install wetlands, the District would be left holding the bag for removal of landfill material.</p>	<p>Please see NPS's response to Theme 2.</p> <p>NPS will select a remedial alternative in accordance with the criteria described in the NCP based on the information in the administrative record. It will not base that decision on the source of funds needed to complete the work. Also, as noted above, the restoration of natural resources is beyond NPS's response authority under CERCLA.</p>
63.	<p>The definition of "short term" and long term are relative. Ten years is a very short time even in comparison to the time between close of the Landfill and the present.</p>	<p>The criterion of short-term effectiveness is related to risks posed to workers and members of the surrounding community during remedy implementation. In general, remedial alternatives that take longer to</p>

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		implement will receive a lower score on this criterion than alternatives that can be implemented over a shorter time period. The term is unrelated to the period of time between the landfill closure and the present.
64.	Was sampling done in Watts Branch or unnamed stream?	Sampling in Watts Branch and the Unnamed Tributary to Watts Branch was performed as part of the Preliminary Assessment/Site Investigation (PA/SI) for Kenilworth Park South and the Remedial Investigation (RI) for Kenilworth Park North. An analysis of sediment data was summarized in the 2012 Feasibility Study and at that time NPS concluded: "The data do not indicate an overall impact from the Site on surface water or sediment in the adjacent surface water bodies (Anacostia River, Watts Branch, and Kenilworth Marsh)." Nevertheless, contaminants that are present in the landfill are also present in Watts Branch and the Unnamed Tributary to Watts Branch. Although there are multiple sources of contaminants in these surface water features including stormwater discharges, the potential for contaminants at the Site to have migrated into these surface water bodies in the past cannot be ruled out. A recent tributary study completed by NPS in support of the Anacostia River Sediment Project identified the highest concentrations of PCBs in Watts Branch sediment to be located approximately 2.5 miles upstream of the Site.
65.	I'll be interested to see Donna's responses to Fred as well. Relatedly, was Watts Branch treated as a receiving body of water itself, or only as a vehicle to the Anacostia?	See response to comment 64.
66.	I am happy to wait for a written response, but I do remain curious about how DOEE, DPR, and any other District agencies will interact in the cleanup, transition, and then ongoing management	See response to comment 37. Further elaboration will need to be provided by the District.
67.	Also, Donna, is NPS prohibited from considering efforts beyond the bare minimum? "Not authorized" left me a bit unclear on the actual bounds on the agency	As noted in the introductory responses to the general themes of questions and comments, NPS is not authorized to use its response authority to restore natural resources; that authority may be used only to address unacceptable risks to human health and the

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Kenilworth Park Landfill Site
December 29, 2020**

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		environment posed by hazardous substances at the site. Accordingly, NPS is therefore prohibited from selecting a response action to achieve restoration objectives.
68.	We need to do everything we can to eliminate the inefficiencies inherent in keeping these stages of this project heavily silo'd. Not only that the District only begins management after the cleanup, but also that CERCLA and NRDA are held apart. That is not required, and we should fix it now while we can benefit by doing so.	NPS agrees with the need to eliminate inefficiencies. As a practical matter, however, the NRDA process almost always comes after a remedy because an NRD claim is limited to residual damages to natural resources that remain after the remedy is implemented. For that reason, attempts to conduct a NRDA before a remedy is selected can create its own inefficiencies.
69.	Can public be involved in talks between DPR and NPS for future use of Site?	NPS does not have authority to determine how Kenilworth Park North is re-developed; suggest reaching out to DPR directly to discuss future plans.